

# **EXHIBIT 1**

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

**ePLUS, INC.,**

**Plaintiff,**

**Civil Action No. 2:09cv232**

**V.**

**LAWSON SOFTWARE, INC.,**

**Defendant.**

**PLAINTIFF ePLUS, INC.’S IDENTIFICATION OF EXPERT WITNESSES PURSUANT  
TO THE COURT’S RULE 16(b) SCHEDULING ORDER**

Pursuant to Fed. R. Civ. P. 26(a)(2) and the Rule 16(b) Scheduling Order in this case, Plaintiff *ePlus*, Inc. (“*ePlus*”) hereby provides the following identification of the expert witnesses whose testimony it may proffer in this case:

**I. Alfred C. Weaver, Ph.D.**

**a) Current Addresses:**

1) Business Address

Professor Alfred C. Weaver, Ph.D.  
Department of Computer Science  
University of Virginia  
151 Engineer’s Way  
P.O. Box 400740  
Charlottesville, Virginia 22904-4740

2) Residence Address

Alfred C. Weaver, Ph.D.  
1400 Ballard Woods Court  
Charlottesville, Virginia 22901

**b) Occupation and Professional Titles:**

Professor of Computer Science, University of Virginia.

Director, University of Virginia Applied Research Institute.

Founding Director, Internet Technology Innovation Center.

**c) Fields of Expertise:**

Computer Science and Engineering.

Application of Computer Science Principles to the Internet and Electronic Commerce.

**d) Issues For Which Dr. Weaver’s Testimony May Be Proffered:**

Construction of the claims of the *ePlus* Patents.

Knowledge and understanding of one of ordinary skill in the art pertinent to the *ePlus* Patents.

Infringement of the *ePlus* Patents.

Validity of the *ePlus* Patents.

Inventorship of the *ePlus* Patents.

Issues pertaining to any other claim or defense presented in this case by Defendant which fall within his fields of expertise.

## **II. Brooks Hilliard**

### **a) Current Addresses:**

#### Business Address

Brooks Hilliard  
Business Automation Associates, Inc.  
11811 North Tatum Boulevard, Suite 3031-113  
Phoenix, AZ 85028

### **b) Occupation and Professional Titles:**

Certified Management Consultant, Institute of Management Consultants, USA

Certified Computing Professional, Institute for the Certification of Computer Professionals

President, Business Automation Associates, Inc.

### **c) Fields of Expertise:**

Computer Science and Engineering.

Application of Computer Science Principles to the Internet and Electronic Commerce.

### **d) Issues For Which Mr. Hilliard's Testimony May Be Proffered:**

Construction of the claims of the *ePlus* Patents.

Knowledge and understanding of one of ordinary skill in the art pertinent to the *ePlus* Patents.

Validity of the *ePlus* Patents.

Inventorship of the *ePlus* Patents.

Issues pertaining to any other claim or defense presented in this case by Defendant which fall within his fields of expertise.

**III. Patrick Niemeyer**

**a) Current Addresses:**

1) Business Address

Patrick Niemeyer  
Pat Niemeyer Consulting, LLC  
712 Payson Dr.  
St. Louis, MO 63132-3310

2) Residence Address

Patrick Niemeyer  
712 Payson Dr.  
St. Louis, MO 63132-3310

**b) Occupation and Professional Titles:**

Independent Consultant, Pat Niemeyer Consulting, LLC.

**c) Fields of Expertise:**

Computer Science and Engineering.

**d) Issues For Which Mr. Niemeyer's Testimony May Be Proffered:**

Review of source code.

Infringement of the ePlus Patents.

Issues pertaining to any other claim or defense presented in this case by Defendant which fall within his fields of expertise.

**IV. Geoff A. Cohen, Ph.D.**

**a) Current Addresses:**

1) Business Address

Geoff A. Cohen, Ph.D.  
Elysium Digital, LLC  
Ten Canal Park, First Floor  
Cambridge, MA 02141

2) Residence Address

Geoff A. Cohen, Ph.D.  
68 Erie Avenue  
Newton, MA 02461

**b) Occupation and Professional Titles:**

Computer Scientist, Elysium Digital, LLC.

**c) Fields of Expertise:**

Computer Science and Engineering.

**d) Issues For Which Dr. Cohen's Testimony May Be Proffered:**

Review of source code.

Infringement of the *ePlus* Patents.

Issues pertaining to any other claim or defense presented in this case by Defendant which fall within his fields of expertise.

**V. Russell W. Mangum, III, Ph.D.**

**a) Current Addresses:**

1) Business Address

Russell W. Mangum, III, Ph.D.  
Nathan Associates Inc.  
1920 Main Street, Suite 870  
Irvine, CA 92614

2) Residence Address

Russell W. Mangum, III, Ph.D.  
33 Pacific Grove  
Irvine, CA 92602

**b) Occupation and Professional Titles:**

Vice President and Director of Southern California Office, Nathan Associates Inc.

Adjunct Faculty, Department of Economics, University of Southern California.

**c) Fields of Expertise:**

Valuation of Intellectual Property.

Patent Damages/Reasonable Royalty and Lost Profits Calculations.

Patent Licensing.

Hypothetical negotiation for a reasonable royalty.

**d) Issues For Which Dr. Mangum's Testimony May Be Proffered:**

Patent damages pursuant to 35 U.S.C. § 284, including reasonable royalty calculation.

Hypothetical negotiation for a reasonable royalty.

Permanent injunctive relief, including irreparable harm to ePlus, the adequacy of remedies at law to ePlus, the balance of harms between the parties, and the public interest.

Issues pertaining to any other claim or defense presented in this case by Defendant which fall within his fields of expertise.

**VI. Harry F. Manbeck, Jr., Esq.**

**a) Current Addresses:**

1) Business Address

Harry F. Manbeck, Jr., Esq.  
Rothwell, Figg, Ernst & Manbeck, P.C.  
1425 K Street, N.W.  
Suite 800  
Washington, D.C. 20005

2) Residence Address

Harry F. Manbeck, Jr., Esq.  
1460 Mayhurst Boulevard  
McLean, VA 22102

**b) Occupation and Professional Titles:**

Registered Patent Attorney and former Assistant Secretary of Commerce and Commissioner of Patents and Trademarks of the United States.

**c) Fields of Expertise:**

Patent law and practice.

The policies and procedures of the United States Patent and Trademark Office.

Preparation and prosecution of patent applications before the United States Patent and Trademark Office.

Preparation of opinions of counsel on the issues of patent infringement and validity.

**d) Issues For Which Mr. Manbeck's Testimony May Be Proffered:**

The patent application process in the United States.

Practices and procedures employed by the United States Patent and Trademark Office to examine patent applications in general, and the *ePlus* patent applications in particular.

The willfulness of Defendant's infringement of the *ePlus* patents.

Patent practice principles relevant to the issues in this case.

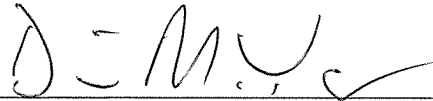
Issues pertaining to any other claim or defense presented in this case by Defendant which fall within his fields of expertise.

*ePlus* identifies the above experts without prejudice and reserves the right to seek leave to identify additional experts should such additional identification become necessary. In addition, *ePlus* reserves the right to have the above experts testify with respect to additional issues within their areas of expertise as may be appropriate.



October 1, 2009

Respectfully submitted,



Scott L. Robertson (admitted *pro hac vice*)

Jennifer A. Albert (admitted *pro hac vice*)

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Attorneys for Plaintiff

ePlus inc.

**CERTIFICATE OF SERVICE**

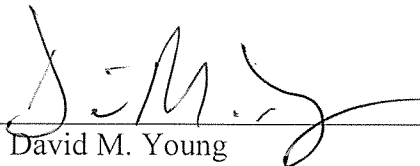
I hereby certify that on the 1<sup>st</sup> day of October, 2009, I will serve **PLAINTIFF ePLUS, INC.'S IDENTIFICATION OF EXPERT WITNESSES PURSUANT TO THE COURT'S RULE 16(b) SCHEDULING ORDER** on the following counsel of record, as indicated:

*via electronic mail:*

Daniel McDonald, *pro hac vice*  
William D. Schultz, *pro hac vice*  
Rachel C. Hughey, *pro hac vice*  
Joshua P. Graham, *pro hac vice*  
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***Counsel for Defendant Lawson Software, Inc.***

*via electronic mail:*

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